

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMIE FARRELL and GENNARO  
SCOPO, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

-against-

LEC II, LLC d/b/a ONE LITTLE WEST  
12<sup>th</sup> STREET, JONATHAN SEGAL and  
CELESTE FIERRO,

Defendants.

x : Civil Action No.: 08 CV 6438 (RJH)

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~~(PROPOSED)~~ FINAL JUDGMENT AND ORDER GRANTING PLAINTIFFS' MOTION  
FOR FINAL APPROVAL OF SETTLEMENT AND CERTIFICATION OF  
SETTLEMENT CLASS

The Settlement Agreement dated April 3, 2009 ("Settlement Agreement) between the Class Representative, individual Plaintiffs, and Defendants provides for the Settlement of this lawsuit on behalf of the Class Representatives, Class Members, and individual Plaintiffs, subject to the approval by this Court of its terms and to the entry of this Final Judgment. Pursuant to an Order dated May 18, 2009 ("Preliminary Approval Order"), the Court scheduled a hearing (the "Fairness Hearing") to consider the approval of the Settlement Agreement and the Settlement reflected in it. The Parties agreed to amend one portion of the Settlement Agreement and Plaintiffs submitted the executed Amendment to the Court together with their motion for final approval.

Defendants deny any wrongdoing, fault, violation of law, or liability for damages of any sort. Defendants have stipulated to the certification of this class for settlement purposes only.

In accordance with the Preliminary Approval Order, Notices were sent by first class mail to the Class members and an affirmation of mailing of the Notices has been filed with the Court, demonstrating compliance with this Court's order regarding Notice.

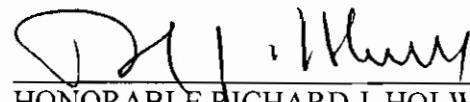
A Fairness Hearing was held before this Court on October 30, 2009 to consider, among other things, whether the Settlement should be approved by this Court as fair, reasonable, and adequate, and whether Class Counsel's request for approval of attorneys' fees and expenses is reasonable and should be approved by this Court.

**NOW THEREFORE GOOD CAUSE APPEARING, IT IS HEREBY ORDERED,  
ADJUDGED AND DECREED, THAT:**

1. This Order incorporates by reference the definitions in the Settlement Agreement, and all capitalized terms used in this Final Judgment shall have the same meanings as set forth in the Settlement Agreement, unless otherwise defined herein.
2. The Court finds that the class proposed only for purposes of the Settlement meets the requirements of Fed. R. Civ. P. 23(b)(3), and hereby certifies a settlement class in the Litigation defined as:  
  
individuals employed by Defendants as tipped employees from January 18, 2002 through February 16, 2008.
3. This Court approves the Settlement and all terms set forth in the Settlement Agreement and the Amendment and finds that the Settlement is, in all respects, fair, reasonable, adequate and in the best interest of the Class Members, and the Parties to the Agreement are directed to consummate and perform its terms.
4. This Court awards Class Counsel 33% of the total settlement amount, or \$71,666.66, as attorneys' fees.

5. This Court approves the Individual Enhancement Fees, specifically, \$3,000 each to Plaintiff Scopo, Farrell, and Jones.
6. The entire Litigation is dismissed with prejudice, and without costs to any party. All Qualified Class Members are barred and permanently enjoined from participating in any other collective or class action lawsuit against the Releasees, or any of them, concerning the Claims settled in this Action.
7. The Parties having so agreed, good cause appearing, and there being no just reason for delay, it is expressly directed that this Final Judgment and Order Approving Class Action Settlement and Dismissal with Prejudice be, and hereby is, entered as a final order.

*November 4*  
Dated: ~~October 22~~, 2009  
New York, New York



HONORABLE RICHARD J. HOLWELL  
UNITED STATES DISTRICT JUDGE